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## Via ECF & hand delivery

November 6, 2018

Honorable Naomi Reice Buchwald  
United States District Judge  
Daniel Patrick Moynihan US Courthouse  
500 Pearl Street  
Courtroom 21A  
New York, NY 10007

**Re: Case No.: 17-cv-05192-(NRB)**  
*Orellana et al. v. Macy's Retail Holdings Inc. et al.*

Dear Judge Buchwald:

We represent Plaintiffs in the above referenced case. We write to request that the attached Statement of Evidence representing the transcript of a Status Conference held on July 31, 2018, be approved or settled so that the Appeals Clerk may forward it to the Court of Appeals pursuant to Fed. R. App. R. 10(c).

As the Court may know, the Plaintiffs filed a Notice of Appeal of the Court's July 10, 2018 Memorandum and Order. ECF 47.

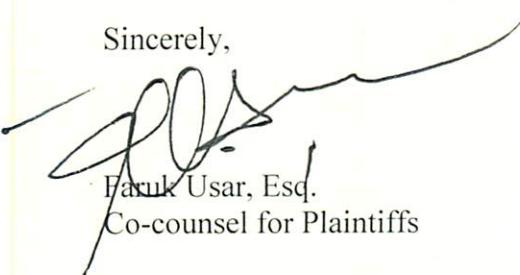
Fed. R. App. P. 10(c) provides that "if the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be served on the appellee, who may serve objections or proposed amendments within 14 days after being served. The statement and any objections or proposed amendments must then be submitted to the district court for settlement and approval. As settled and approved, the statement must be included by the district clerk in the record on appeal."

We were informed by the Court reporter's office and the Appeals Clerk that no transcript for the July 31, 2018 Status Conference is available. As such, in accordance with the Fed. R. App. R. 10(c) we prepared a transcript for the Court's approval or settlement, and filing.

Defendant Macy's amendments to the Plaintiffs' proposed Statement of Evidence appear in blue and red.

Accordingly, we respectfully request that the Court approve or settle the attached Statement of Evidence at your Honor's earliest convenience so that the Appeals Clerk may forward it to the Court of Appeals.

Sincerely,



Faruk Usar, Esq.  
Co-counsel for Plaintiffs

Enclosure: Statement of Evidence

Cc: All counsels of the record via ECF filing